

## **REMARKS**

By the present Amendment, Claims 1, 5-7, 11, 12, 14-16, and 18 have been amended, and Claims 4 has been cancelled. Claims 1-3 and 5-20 remain in this application. The Specification has been amended merely to correct various clerical errors. No new matter has been added.

5 Applicant respectfully requests reconsideration and withdrawal of the claim rejections under 35 U.S.C. §§102, 103, and 112 and drawing objections in view of the foregoing amendments and the following remarks.

### **Drawings Objection**

Examiner states on page 2 in this Office action:

10 The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slip-guard as cited in claim 11 must be shown or the feature canceled from the claim. No new matter should be entered.

15 Applicant respectfully traverses the objection of the drawings. The objected-to language, “slip-guard,” in Claim 11 has been removed, and Claim 11 as amended now reads: “The cap according to claim 1, wherein the cap body includes two side walls with respect to a lateral direction of the cap body, the outer surface of each side wall having a rough texture.” Because the objected-to claim language has been removed, and the claim language is supported by the  
20 drawings and the Specification (see page 20, lines 15-18), the objection to the drawings has been rendered moot. Applicant therefore requests that the drawing objection be withdrawn.

### **Claims Rejected - 35 U.S.C. § 112, first paragraph**

Examiner states on page 3 in this Office action:

25 Claims 14-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention.

- (1) In claim 14, lines 3-4 and 5, "the end of pin" has no support from the original specification. The phrase should read-- the head of the pin--.
- (2) In claim 15, line 3, "greater than diameter of the end of the pin" and "smaller than the diameter of the end of the pin" have no support from the specification as originally filed. The phrases should read--greater than a diameter of the head of the pin--and --smaller than the diameter of the head of the pin--, respectively (see page 8 of the specification).
- (3) In claim 16, line 2, "the diameter of the pin" should read--the diameter of the head of the pin--(see page 8 of the specification).

Applicant has amended Claims 14-16 as suggested by Examiner and therefore requests that the rejection of Claims 14-17 under Section 112 be withdrawn.

**Claims Rejected – 35 U.S.C. 102(b)**

Examiner states on page 4 in this Office action:

Claims 1-3 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gray (U.S. Patent No. 4,423,729).

Applicant respectfully traverses the rejection of Claims 1-3 and 18 under Section 102. Applicant has amended independent Claims 1 and 18 to incorporate all limitations of Claim 4, which Claim 4 (as well as Claims 5-7) Examiner indicated would be allowable if rewritten in independent form. Applicant therefore requests that Examiner withdraw the rejection of Claims 1-3 and 18, which are now believed to be in allowable form.

**Claims Rejected – 35 U.S.C. 103(a)**

Examiner states on page 4 in this Office action:

1. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (U.S. Patent No. 4,423,729).

Gray's cap (14) shows all the claimed structure except the sidewalls of the cap tapered that than curved toward each other.

However, the claimed limitation is not patentably distinct over Gray because as long as the cap is capable of shielding the scissors yet allowing opening and closing of the scissor blades for cutting a workpiece, whether cap's sidewalls are tapered or curved toward each other depends more on personal preference than on any inventive concept.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (U.S. Patent No. 4,423,729) in view of Gingher, Jr. (U.S. Patent No. 4,400,877).

Gray's cap (14) shows all the claimed structure except it lacks a slip-guard on the sides of the cap body.

Gingher, Jr. shows a cap (12) comprising a slip-guard (i.e. textured on the side of the cap).

It would have been obvious to one skilled in the art to modify Gray by providing the cap (14) with a slip-guard for preventing slippage of the cap as taught by Gingher, Jr.

3. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (U.S. Patent No. 4,423,729) in view of Linden (U.S. Patent No. 5, 291,996).

Gray shows the claimed cap except the engaging portion (40a,40b) is in the form of a hole rather than a slit.

Linden shows a cap (Fig.2) for a pair of scissors, wherein the cap comprises an engaging slit including a guiding portion (44), a holding portion (42) and a cutout (48) for releasably securing the cap to the scissors.

It would have been obvious to one skilled in the art to modify Gray by substituting Linden's engaging slit for the engaging hole to afford a quick release of the cap from the scissors without the use of a tool as taught by Linden.

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (U.S. Patent No. 4,423, 729) in view of Rauh (U.S. Patent No. 1,870,025).

Gray shows the claimed scissors except it lacks an urging member.

Rauh shows a pair of scissors having an urging member (7) for moving two scissor pieces (1,3).

5 It would have been obvious to one skilled in the art to modify Gray by providing the scissors with an urging member for moving the scissor pieces (24,26) vary from each other to facilitate receiving a workpiece to be cut as taught by Rauh.

10 Applicant respectfully traverses the rejection of claims under Section 103. Applicant has amended independent Claims 1 and 18 to incorporate all limitations of Claim 4, which Claim 4 (as well as Claims 5-7) Examiner indicated would be allowable if rewritten in independent form.

Applicant therefore requests that Examiner withdraw the rejection of Claims 8-17 (which depend from and incorporate all limitations of Claim 1), and 19-20 (which depend from and incorporate all limitations of Claim 18), all of which are now believed to be in allowable form.

15 **Indication of Allowable Subject Matter**

Examiner states on page 6 in this Office Action:

20 Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As mentioned above, Applicant has amended independent Claims 1 and 18 to incorporate all limitations of Claim 4, which Claim 4 (as well as Claims 5-7) Examiner indicated would be allowable if rewritten in independent form. Applicant therefore requests that Examiner withdraw all rejections of the pending claims, which are now believed to be in allowable form.

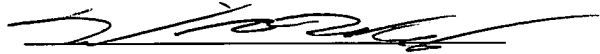
**Conclusion**

It is respectfully urged that the claimed invention has been properly distinguished from the prior art references and is now in condition for allowance.

Any questions regarding this matter or any issue related to this application can be directed to William S. Wang at (972) 367-2001.

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Respectfully submitted,



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